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Security Council

Distr.
GENERAL

S/1994/386
4 April 1994

ORIGINAL: ENGLISH

LETTER DATED 4 APRIL 1994 FROM THE DEPUTY PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to present to you the attached letter from Mr. Mirko Pejanović, President of the Serb Civic Council and a member of the Presidency of the Republic of Bosnia and Herzegovina, and Mr. Ljubomir Berberović, President of the Serbian Consultative Council addressed to you dated 3 April 1994.

May I ask for your kind assistance in circulating the present letter and its annex as a document of the Security Council.

(Signed) Ivan Z. MISIC
Deputy Permanent Representative

Annex

Letter dated 3 April 1994 from the President of the Serb Civic Council and member of the Presidency of the Republic of Bosnia and Herzegovina and the President of the Serbian Consultative Council of Bosnia and Herzegovina to the President of the Security Council

We strongly protest against the latest wave of ethnic cleansing of people of non-Serbian nationality carried out by the authorities of the so-called "Republika Srpska" in Banjaluka, Prijedor and other parts of the territory under Serb control. We request immediate cessation of the eviction of Bosniacs-Muslims and Croats from their homes where they have always lived. We must energetically condemn the violence and the lawlessness aimed at depriving the innocent people of their rights to safe life, home and property. We warn the executors of this insane policy that the people that is most jeopardized with it is their own.

The international forums are bound to do all that is in their power to prevent any further suffering of the civilian population in Bosnia and Herzegovina. Preventing ethnic oppression is of crucial importance in preserving the multinational essence of Bosnia and Herzegovina.

(Signed) Mirko PEJANOVIĆ
President
Serb Civic Council

(Signed) Ljubomir BERBEROVIĆ
President
Serbian Consultative Council

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GENERAL

S/1994/387
4 April 1994

ORIGINAL: ENGLISH

LETTER DATED 4 APRIL 1994 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the texts of statements by the Ministry of Foreign Affairs of the Azerbaijani Republic issued 3 and 4 April 1994 (see annexes).

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Yashar T. ALIYEV
Chargé d'affaires a.i.

Annex I

[Original: Russian]

Statement issued on 3 April 1994 by the Ministry of Foreign Affairs of the Azerbaijani Republic

Despite the continuing attempts of the world community to assist in a political settlement of the Armenian-Azerbaijani conflict, the self-styled leaders of the occupied Nagorny Karabakh region of the Azerbaijani Republic are stubbornly bringing all the peacemaking efforts to naught.

The uncivilized acts committed by the Armenian side, designed to disrupt the latest attempt at a peaceful settlement of the Armenian-Azerbaijani conflict undertaken by an international good-will mission headed by the representative of France to the CSCE Minsk group, Madame E. Dubois, are clearly seen to be a refusal by the Armenian side to allow a mission from Baku to visit the town of Hankendi (Stepanakert), which raises doubts concerning its statements about its desire for peace. Such defiant acts by the Armenian separatists of Nagorny Karabakh, dictating their conditions to international peacemaking missions, reflect the latest attempts to prove to the world the legality of their claims to the occupied territories of the Azerbaijani Republic.

The leadership of Azerbaijan has consistently advocated, and continues to advocate, a comprehensive settlement of the conflict between the Republic of Armenia and the Azerbaijani Republic by political means and has supported those initiatives by international organizations and individual States which should lead to the suspension of military activities. The latest action by the Armenian side, however, once again reveals the desire of the Republic of Armenia and its henchmen in Nagorny Karabakh to seize the Nagorny Karabakh region of the Azerbaijani Republic.

The Ministry of Foreign Affairs of the Azerbaijani Republic states that such acts by the Armenian side will not promote a speedy settlement of the Armenian-Azerbaijani conflict and once again reveal the true intentions of the leadership of the Republic of Armenia and its puppet-separatists in Nagorny Karabakh, which are aimed at a settlement of the Karabakh problem not by political means but under pressure of force.

Baku, 3 April 1994

Annex II

[Original: Russian]

Statement issued on 4 April 1994 by the Ministry of Foreign Affairs of the Azerbaijani Republic

According to a report by the SNARK news agency, the Supreme Court of Armenia has instituted legal proceedings against 11 Azerbaijanis.

According to information received from the same source, "last spring, when armed units of the Republic of Armenia occupied the Kelbajar district of Azerbaijan, former soldiers of the Azerbaijani army who had remained in the territory of that district were alleged to have seized three civilians of Armenian nationality, savagely killed them and, after disguising themselves as peaceful inhabitants, asked to be taken out of the encircled area through the Vardenis district of Armenia".

In the face of reports of this kind, one cannot fail to be persuaded once again of their slanderous nature.

First, during the period of the occupation there could be no civilians of Armenian nationality in the territory of the Kelbajar district of Azerbaijan since there have never been any Armenian settlements in the territory of that district. Most probably they were soldiers of the armed forces of Armenia.

Second, the report concerning the attempts of the Azerbaijanis to leave the encircled area through the Vardenis district of Armenia also does not correspond to the facts since there was no need to enter Armenian territory in order to leave the encircled area.

As has happened repeatedly in the past, Armenia is hiding behind such reports while continuing its aggressive acts against Azerbaijan.

The world community has long condemned the inhumane treatment of prisoners of war. These principles are reflected in the 1949 Geneva Conventions "for the protection of war victims".

The institution of criminal proceedings against former Azerbaijani soldiers is clearly contrary to the generally accepted principles of international law.

The fact that legal proceedings have been instituted against former Azerbaijani soldiers is reliable evidence of Armenia's participation in the aggression against Azerbaijan. What other explanation can there be for the presence of prisoners of war in the territory of Armenia.

The Ministry of Foreign Affairs of Azerbaijan calls upon the world community, the International Committee of the Red Cross and other international organizations to condemn strongly the inhumane acts of the law-enforcement organs of the Republic of Armenia.

Baku, 4 April 1994

UNITED NATIONS

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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS IRAQ-KUWAIT OBSERVATION MISSION

(for the period 1 October 1993-31 March 1994)

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 3	2
II.	ORGANIZATION	4 - 12	2
III.	CONCEPT OF OPERATIONS	13 - 15	4
IV.	SITUATION IN THE DEMILITARIZED ZONE	16 - 26	4
V.	FINANCIAL ASPECTS	27 - 29	7
VI.	OBSERVATIONS	30 - 34	7

Annexes

I.	UNIKOM PERSONNEL	9
II.	MAP - UNIKOM DEPLOYMENT	10

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I. INTRODUCTION

1. By paragraph 5 of its resolution 687 (1991) of 3 April 1991, the Security Council established a demilitarized zone (DMZ) along the Iraq-Kuwait boundary and decided to set up an observer unit with the following tasks: to monitor the Khawr Abd Allah waterway and the DMZ; to deter violations of the boundary through its presence in and surveillance of the DMZ; and to observe any potentially hostile action mounted from the territory of one State into the other. By its resolution 689 (1991) of 9 April 1991, the Security Council approved the report of the Secretary-General on the implementation of the above provisions (S/22454).

2. On 5 February 1993, the Security Council adopted resolution 806 (1993), expanding UNIKOM's terms of reference to include the capacity to take physical action to prevent or redress small-scale violations of the DMZ; violations of the boundary, for example by civilians or police; and problems that might arise from the presence of Iraqi installations and Iraqi citizens and their assets in the DMZ on the Kuwaiti side of the newly demarcated boundary.

3. By its resolution 689 (1991), the Security Council noted that the decision to set up the observer unit had been taken in paragraph 5 of resolution 687 (1991) and could be terminated only by a decision of the Council; and decided to review the question of termination or continuation as well as the modalities of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) every six months. The Security Council last reviewed this matter in early October 1993 and, in a letter of its President dated 11 October 1993 (S/26566), concurred with my recommendation (S/26520, para. 22) that UNIKOM be maintained for a further six-month period. The purpose of the present report is to provide the Security Council, prior to its forthcoming review, with an overview of UNIKOM's activities during the last six months.

II. ORGANIZATION

4. On 1 December 1993, Major General Krishna N.S. Thapa (Nepal) assumed his role as the Chief Military Observer from the Acting Chief Military Observer, Brigadier-General Vigar Aabrek (Norway). His appointment was changed to that of Force Commander of UNIKOM on 1 January 1994 to reflect the enhanced capability of the Mission resulting from the addition of a mechanized infantry battalion from Bangladesh. Brigadier General Yeo Cheng Ann (Singapore) is Chief of Staff and Deputy Force Commander, having arrived in the Mission area on 8 October 1993.

5. A breakdown of UNIKOM military strength as at 14 March 1994 is given in annex I. This has been divided into three main groups: military observers, mechanized infantry battalion and support units. UNIKOM also has 204 civilian staff, of whom 76 are international and 128 are locally recruited.

6. Since the Council last reviewed the Mission's mandate, UNIKOM has implemented the first phase of its reinforcement with the deployment of a mechanized infantry battalion in order to carry out an extended mandate pursuant

to Security Council resolution 806 (1993). In response to my request, the Government of Bangladesh agreed to contribute a mechanized infantry battalion (BANBAT) of 775 all ranks to UNIKOM. An advance team arrived in the Mission area in mid-November 1993, followed by the remainder of the battalion during the month of December and early January 1994. After a period of training to familiarize it with equipment provided by Kuwait, the battalion was declared operational on 5 February 1994.

7. The Danish Logistic Unit (DANLOG) has continued to carry out vehicle maintenance, supply and logistics support to the Mission, including the provision of additional support required by the Bangladesh battalion. This additional support has necessitated some redistribution of tasks and the infantry battalion has taken over some of the guard duties formerly performed by DANLOG.

8. In early November 1993, Austria deployed a 12-member medical team (AUSMED), consisting of 2 doctors and 10 medics, to replace the Norwegian medical unit (NORMED). Some members of NORMED remained in the Mission area until early December 1993 to assist in the transition. In late December 1993 a 16-member medical team arrived from Bangladesh to augment AUSMED. This team, BANMED, arrived with the Bangladesh battalion but is retained as a separate medical unit working in conjunction with AUSMED to provide the required level of medical support to the Mission. It consists of 3 doctors and 13 medics. BANBAT has a small integral medical section of its own.

9. The Argentinian engineer unit (ARGENG) continued its activities aimed at improving security of camps by installing additional fencing, mine-clearing, renovation of helicopter pads and construction of new patrol roads. However, its activity remains limited owing to shortage of equipment. The unit arrived without the equipment it requires and delivery of this equipment, promised by Kuwait, is still awaited. Efforts continue to resolve this problem.

10. UNIKOM retains the two small fixed-wing aircraft contributed by the Government of Switzerland at no cost to the Organization and three chartered helicopters. It also has the use of a chartered AN-26 aircraft for the transport of personnel and equipment between Kuwait and Baghdad.

11. The Government of Kuwait provided the camps at Camp Khor and Al-Abdally for the accommodation of the mechanized infantry battalion at no cost to the Organization.

12. The Government of Kuwait had committed itself to provide 32 armoured personnel carriers (APCs) and 113 other vehicles as well as communications equipment for the battalion, for which the rate of reimbursement for depreciation is still being negotiated. UNIKOM has thus far received all 32 APCs and 83 other vehicles as well as part of the communications equipment, as at 31 March 1994.

III. CONCEPT OF OPERATIONS

13. UNIKOM is deployed in the DMZ as outlined in the attached map. For operational purposes, the DMZ is still divided into three sectors (North, Central, South) but, with the addition of the mechanized infantry battalion, UNIKOM's concept of operations has been modified. It is now based on a combination of patrol and observation bases, observation points, ground and air patrols, vehicle check-points, roadblocks, a force mobile reserve, investigation teams and liaison with the parties at all levels.

14. The three sectors continue to be manned by the military observers, who provide the basis for UNIKOM's patrol, observation, investigation and liaison activities within the DMZ, including the Khawr Abd Allah waterway. The mechanized infantry battalion is accommodated in a main battalion camp at Camp Khor and a company at Al-Abdally. From these two locations, it is tasked to provide reinforcement patrols to sectors, in areas where the situation is sensitive and where an infantry force could be required to prevent incidents. The battalion also provides the force mobile reserve capable of rapid redeployment anywhere within the DMZ to prevent or redress small-scale violation of the DMZ and the boundary. Also, where necessary, it provides security for UNIKOM installations. The establishment of vehicle check-points on main roads and the institution of random roadblocks, both considered necessary to prevent the illegal entry of weapons into the DMZ, are subject to further discussions between UNIKOM and the two parties and, therefore, have not yet been implemented.

15. UNIKOM has liaison offices in Baghdad and Kuwait City and, through them, the Force Commander and other senior staff of UNIKOM have maintained regular contacts with the authorities in both capitals. At the local level, liaison continued with the police and the liaison officers of both sides, particularly with regard to civilian activity in the DMZ. These contacts have been useful in dealing with complaints and facilitating UNIKOM's operations.

IV. SITUATION IN THE DEMILITARIZED ZONE

16. During the period under review the situation in the DMZ has been generally calm. However, there have been periods of tension.

17. It will be recalled that, as a result of the demarcation of the Iraq-Kuwait boundary, an issue that remained outstanding was the future of private Iraqi citizens who remained on Kuwaiti territory and their assets, in particular in the Al-Abdally farming area and the town of Umm Qasr. When the Kuwaitis started to construct their border security system, comprising a trench, an earthen embankment and a patrol road through these areas, tension manifested itself in two protest demonstrations in which Iraqi nationals crossed into Kuwait. There was also a serious shooting incident in November 1993 when a member of the security guard for the Kuwaiti trench project shot two Iraqi policemen who were on Kuwaiti territory. This incident is reported to have resulted in the death of one Iraqi policeman and injury to the second.

18. UNIKOM responded to these incidents and quickly restored stability in the area. Through bilateral discussions with Iraqi and Kuwaiti authorities, UNIKOM facilitated arrangements agreeable to both parties for the repatriation of Iraqi nationals living on Kuwaiti territory. Iraqi nationals living in the Umm Qasr area were all repatriated by the end of December 1993 and those living in the Al-Abdally farming area were repatriated by the end of February 1994.

19. It will also be recalled from my previous report (S/26520) that an experienced land assessor was appointed by the Secretary-General to conduct an evaluation of private Iraqi assets in the Umm Qasr and Al-Abdally areas. On the basis of this evaluation, the amount of compensation was determined and a payment scheme was put in place. Subsequently, during the second half of February 1994, compensation notices were delivered to the Iraqi nationals in the farm area. Compensation information was also disseminated in the form of press releases and paid notices in the local and regional media. However, all the Iraqi nationals refused to accept compensation, and the funds contributed by Kuwait were placed in a United Nations trust fund where they remain at the disposal of the beneficiaries.

20. In the meantime, the Kuwaiti border security system being constructed along its boundary with Iraq has nearly been completed.

21. UNIKOM observed three types of violations: ground violations involving incursions into the DMZ and border crossings by military personnel, resulting in serious incidents; overflights of the DMZ by military aircraft; and violations involving the carrying and firing of weapons other than sidearms in the DMZ. The following table summarizes the violations observed by UNIKOM:

	Iraq				Kuwait			
	Ground	Air	Weapon	Total	Ground	Air	Weapon	Total
October	0	0	1	1	1	0	5	6
November	2	0	0	2	0	0	11	11
December	2	0	1	3	0	0	0	0
January	0	0	1	1	0	0	2	2
February	1	0	0	1	0	0	0	0
March	0	0	0	0	0	0	0	0
Total	5	0	3	8	1	0	18	19

	Member States cooperating with Kuwait				Unidentified			
	Ground	Air	Weapon	Total	Ground	Air	Weapon	Total
October	0	0	0	0	0	0	0	0
November	0	0	0	0	0	2	1	3
December	0	0	0	0	0	1	0	1
January	0	0	0	0	0	1	0	1
February	0	0	0	0	0	0	0	0
March	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	4	1	5

UNIKOM raised these violations with the parties concerned, with a view to having action taken to prevent a recurrence.

22. During the reporting period, UNIKOM received a total of 20 written complaints, 13 from Iraq and 7 from Kuwait. UNIKOM investigated each complaint and conveyed its findings to the party concerned. Thirteen of the complaints (2 from Kuwait and 11 from Iraq) concerned shooting incidents inside the DMZ. Three Iraqi civilians were wounded during those incidents in March 1994. However, in all cases, UNIKOM was unable to verify who had fired the shots or who initiated the incidents.

23. There have also been three serious incidents involving the security of UNIKOM's military observers. The incidents involved the hijacking of a United Nations vehicle, which the Iraqi authorities subsequently found completely stripped some 30 kilometres inside Iraq; an attempted robbery of a UNIKOM patrol and observation base; and the robbery of another UNIKOM patrol and observation base, resulting in the theft of personal and United Nations property, including a United Nations vehicle, which has not yet been recovered. All incidents occurred on the Iraqi side of the DMZ. However, the nationality of the perpetrators could not be confirmed. In all three cases, the military observers were threatened with weapons and, in one case, a number of live rounds were fired. No UNIKOM personnel were injured in any of the incidents.

24. During the first two months of the reporting period there was some local agitation and harassment of UNIKOM staff at Umm Qasr. People threw rocks and other objects at the UNIKOM headquarters compound and passing UNIKOM vehicles, slightly injuring some UNIKOM staff and damaging a number of vehicles. These incidents have now ceased.

25. UNIKOM has reminded the parties concerned of their responsibility for maintaining law and order as well as safeguarding United Nations personnel and property. UNIKOM has also increased its patrolling and has reinforced the patrol and observation bases with armed troops from the mechanized infantry battalion to reduce the risks of future incidents of this nature.

26. UNIKOM continued to provide support to other United Nations agencies in Iraq and Kuwait. In particular, it provided assistance in the process of compensation for the Iraqi citizens who were found to be on the Kuwaiti side of the newly demarcated boundary. UNIKOM maintained administrative supervision of the Administrative Unit in Baghdad, which provided administrative and logistic support to other United Nations agencies in Iraq. UNIKOM continued to provide movement controls in respect of all United Nations aircraft operating in the area, as well as medical evacuation assistance to the United Nations Guards Contingent in Iraq. UNIKOM assisted the United Nations Coordinator for the Return of Property from Iraq to Kuwait (UNROP) as well as in the inspections and maintenance of the boundary demarcation monumentation.

V. FINANCIAL ASPECTS

27. By its decision 48/466 of 23 December 1993, the General Assembly authorized the Secretary-General to enter into commitments for UNIKOM up to the amount of $8,687,800 gross ($8,000,000 net) for the period from 1 November 1993 to 28 February 1994. This amount was in addition to the pledged voluntary contribution of $23,414,800 from the Government of Kuwait of which an amount of $16,000,000 has been received. By its decision 48/466 B of 9 March 1994 the General Assembly also authorized the Secretary-General to enter into commitments for UNIKOM up to the amount of $2,171,950 gross ($2,000,000 net) for the period from 1 to 31 March 1994.

28. Based on the cost estimates 1/ for UNIKOM currently before the General Assembly, the Advisory Committee on Administrative and Budgetary Questions has recommended 2/ that the cost of maintaining the Mission should not exceed $5.5 million gross per month for the period through 31 October 1994. This amount includes the voluntary contribution pledged by the Government of Kuwait in an amount equivalent to two-thirds of the cost of the Mission. Should the General Assembly endorse the recommendation of the Advisory Committee, the monthly cost of maintaining UNIKOM will be limited therefore to $5.5 million gross.

29. Unpaid assessed contributions as at 28 March 1994 to the UNIKOM Special Account for the period since the inception of the Mission amounted to $23,669,133.

VI. OBSERVATIONS

30. During the last six months, UNIKOM's area of operations has, for the most part, been calm. Through close monitoring of the area and constant liaison with the Iraqi and Kuwaiti authorities, UNIKOM has played its part in preventing incidents and redressing the violations that have occurred.

31. The outstanding issue arising from the demarcation of the Iraq-Kuwait boundary concerning the Iraqi nationals and their assets remaining on Kuwaiti territory has been resolved by their relocation in Iraq, thus significantly reducing tension in the area. The reinforced capacity of UNIKOM, together with

arrangements on the ground, including the completion of the construction of the trench along the Iraq-Kuwait boundary, are factors contributing to stability.

32. However, the present calm along the Iraq-Kuwait boundary should not obscure the fact that tension still persists. There have been incidents, which have demonstrated that full peace has yet to be restored to the area. They also indicate the value of the United Nations presence, as well as the need for it to continue. I therefore recommend to the Security Council that it maintain UNIKOM for a further 12 months.

33. UNIKOM will continue to depend on the cooperation of the Governments of Iraq and Kuwait in order to carry out the tasks entrusted to it by the Security Council. In this connection, I note with appreciation the cooperation by both Governments in helping to resolve issues in a constructive manner. I call upon both Governments to take all necessary measures to ensure the safety of United Nations personnel and property deployed in their respective countries and to prevent the recurrence of incidents that violate the DMZ.

34. In conclusion, I wish to pay tribute to the Force Commander and the men and women under his command for the manner in which they have carried out their difficult task. Their discipline and bearing have been of a high order, reflecting credit on themselves, on their countries and on the United Nations.

Notes

1/ A/48/844.

2/ A/48/897.

Annex I

UNIKOM personnel

14 March 1994

Military observers

Argentina	6	Nigeria	6
Austria	6	Norway	7
Bangladesh	9	Pakistan	7
Canada	5	Poland	7
China	15	Romania	6
Denmark	6	Russian Federation	15
Fiji	6	Senegal	6
Finland	7	Singapore	7
France	15	Sweden	7
Ghana	6	Thailand	6
Greece	6	Turkey	7
Hungary	6	United Kingdom of Great Britain and Northern Ireland	15
India	6	United States of America	15
Indonesia	7	Uruguay	6
Ireland	5	Venezuela	7
Italy	7		
Kenya	6		
Malaysia	6		

Total number of military observers deployed (out of an authorized strength of 300) 254

Infantry battalion (BANBAT)

	Deployed	Authorized
	775	775
Support units:		
Engineers (ARGENG)	50	50
Logistics (DANLOG)	46	50
Medical		
AUSMED	12	
BANMED	16	
Total	124	135
Total UNIKOM	1 153	1 210

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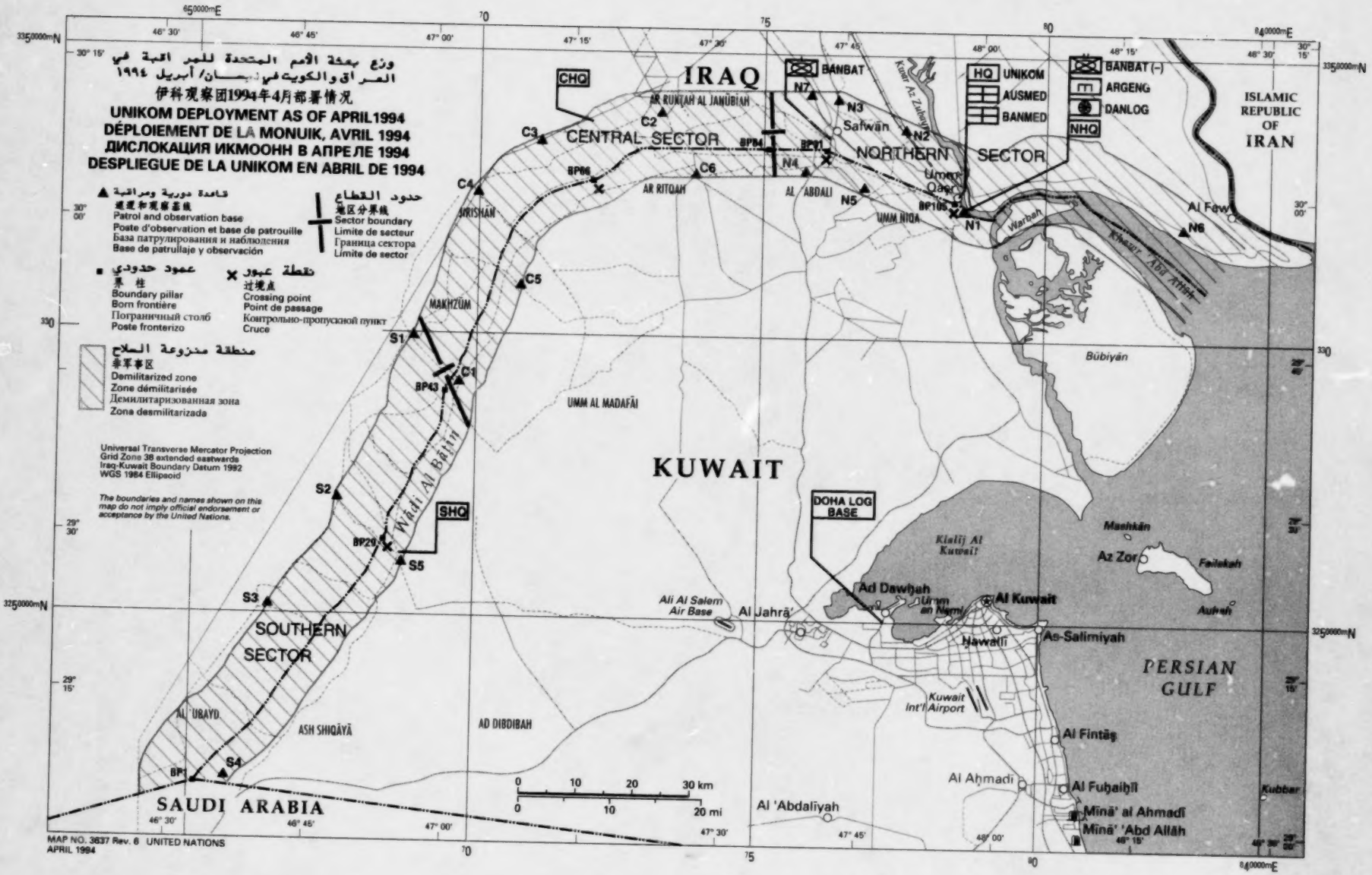
وزع بعثة الأمم المتحدة للمراقبة في العراق والكويت في نيسان/ أبريل ١٩٩٤
伊科观察团1994年4月部署情况
UNIKOM DEPLOYMENT AS OF APRIL1994
DÉPLOIEMENT DE LA MONUIK, AVRIL 1994
ДИСЛОКАЦИЯ ИКМООНН В АПРЕЛЕ 1994
DESPLIEGUE DE LA UNIKOM EN ABRIL DE 1994
قاعدة دورية ومراقبة
巡逻和观察基地
Patrol and observation base
Poste d'observation et base de patrouille
База патрулирования и наблюдения
Base de patrullaje y observación
حدود القطاع
地区分界线
Sector boundary
Limite de secteur
Граница сектора
Límite de sector
عمود حدودي
界柱
Boundary pillar
Borne frontière
Пограничный столб
Poste fronterizo
نقطة عبور
过境点
Crossing point
Point de passage
Контрольно-пропускной пункт
Cruce
منطقة منزوعة السلاح
非军事区
Demilitarized zone
Zone démilitarisée
Демилитаризованная зона
Zona desmilitarizada
Universal Transverse Mercator Projection
Grid Zone 38 extended eastwards
Iraq-Kuwait Boundary Datum 1992
WGS 1984 Ellipsoid
The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations.
IRAQ
KUWAIT
SAUDI ARABIA
ISLAMIC REPUBLIC OF IRAN
PERSIAN GULF
CHQ
SHQ
DOHA LOG BASE
HQ UNIKOM
AUSMED
BANMED
BANBAT
BANBAT (-)
ARGENG
DANLOG
NHQ
CENTRAL SECTOR
NORTHERN SECTOR
SOUTHERN SECTOR
AR RUKHAH AL JANUBIAH
AR RITQAH
AL ABDALI
UMM NIQA
Umm Qasr
Safwān
Warbah
Khawr Abd Allāh
Al Faw
Būbiyān
Kuwait Int'l Airport
Ali Al Salem Air Base
Al Jahrā'
Ad Dawḥah
Umm an Namil
Al Kuwait
Hawallī
As-Salimiyah
Az Zor
Mashkān
Failakah
Auhah
Kubbar
Al Fintās
Al Aḥmadī
Al Fuḥaiḥīl
Mīnā' al Aḥmadī
Mīnā' 'Abd Allāh
Al 'Abdalīyah
AD DIBDIBAH
ASH SHIQĀYĀ
AL 'URAYD
UMM AL MADAFĀI
MAKHZŪM
JARISHAH
Wādī Al Bāṭin
Kuwait Az Zahrawayn
Khalīj Al Kuwait
C1
C2
C3
C4
C5
C6
S1
S2
S3
S4
S5
BP43
BP29
BP94
BP21
BP86
BP105
N1
N2
N3
N4
N5
N6
N7
0 10 20 30 km
0 10 20 mi
MAP NO. 3637 Rev. 6 UNITED NATIONS
APRIL 1994

UNITED
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Security Council

Distr.
GENERAL

S/1994/389
4 April 1994
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 29 MARCH 1994 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you that, pursuant to paragraph 13 of Security Council resolution 880 (1993) of 3 November 1993 and taking into account the request made by the Royal Government of Cambodia, I have decided to appoint Mr. Benny Widyono as my representative for Cambodia. The appointment of Mr. Widyono, who until now was the Chief of the Regional Commissions New York Office, took effect on 28 March 1994 and is for an initial period of six months.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

94-16440 (E) 040494 040494

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UNITED
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Distr.
GENERAL

S/1994/390
4 April 1994

ORIGINAL: ENGLISH

LETTER DATED 4 APRIL 1994 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 29 March 1994 (S/1994/389), concerning your decision to appoint Mr. Benny Widyono as your Representative for Cambodia, has been brought to the attention of the members of the Council. They welcome your decision contained therein.

(Signed) Colin KEATING
President of the Security Council

94-16446 (E) 040494 050494

UNITED
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Security Council

Distr.
GENERAL

S/1994/391
4 April 1994
ENGLISH
ORIGINAL: FRENCH

Draft resolution

The Security Council,

Reaffirming its resolution 872 (1993) of 5 October 1993 establishing the United Nations Assistance Mission for Rwanda (UNAMIR), as well as its resolution 893 (1994) of 6 January 1994,

Recalling its resolutions 812 (1993) of 12 March 1993, 846 (1993) of 22 June 1993 and 891 (1993) of 20 December 1993,

Recalling also its statement dated 17 February 1994 (S/PRST/1994/8),

Having considered the report of the Secretary-General dated 30 March 1994 (S/1994/360),

Welcoming the valuable contribution to peace being made in Rwanda by UNAMIR,

Expressing its deep concern at the delay in the establishment of the broad-based transitional Government and the Transitional National Assembly,

Emphasizing that the Security Council, in resolution 893 (1994) of 6 January 1994, authorized the deployment of a second battalion to the demilitarized zone as recommended by the Secretary-General in his report of 30 December 1993 (S/26927), and that the international community has thus done its part in ensuring that conditions exist for implementing the Agreement,

Considering that the fact that the transitional institutions have not been established constitutes a major obstacle to the implementation of the Arusha Peace Agreement,

Concerned at the deterioration in security in the country, particularly in Kigali,

Concerned also at the deterioration of the humanitarian and health situation,

1. Welcomes the report of the Secretary-General on Rwanda dated 30 March 1994;

2. Decides to extend the mandate of UNAMIR until 29 July 1994, on the understanding that the Security Council will, within the next six weeks, review the situation in Rwanda, including the role played in that country by the United Nations, if the Secretary-General informs it in a report that the transitional institutions provided for under the Arusha Peace Agreement have not been established and that insufficient progress has been made for the implementation of phase II of the Secretary-General's plan contained in his report of 24 September 1993 (S/26488);

3. Regrets the delay in the implementation of the Arusha Peace Agreement, and urges the parties to resolve their latest differences without delay with a view to the immediate establishment of those transitional institutions still required for the continuation of the process, and particularly the implementation of phase II;

4. Welcomes the fact that, despite the difficulties encountered in implementing the Arusha Peace Agreement, the cease-fire has been respected, and commends in this respect the essential contribution made by UNAMIR;

5. Recalls nevertheless that continued support for UNAMIR, including the provision of an additional 45 civilian police monitors as described in paragraph 38 of the Secretary-General's report, will depend upon full and prompt implementation by the parties of the Arusha Peace Agreement;

6. Welcomes the continued efforts by the Secretary-General and his Special Representative to help promote and facilitate dialogue between all parties concerned;

7. Commends the efforts of Member States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, encourages them to continue and increase such assistance, and again urges others to provide such assistance;

8. Commends in particular the efforts of the Organization of African Unity and its agencies, as well as those of the Tanzanian facilitator, in providing diplomatic, political, humanitarian and other support for the implementation of the relevant resolutions of the Council;

9. Reiterates its request to the Secretary-General to continue to monitor the size and cost of UNAMIR to seek economies;

10. Decides to remain actively seized of the question.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/392
5 April 1994
ENGLISH
ORIGINAL: FRENCH

NOTE VERBALE DATED 23 MARCH 1994 FROM THE PERMANENT REPRESENTATIVE OF BELGIUM TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the Kingdom of Belgium presents his compliments to the Secretary-General of the United Nations and, in accordance with paragraph 13 of resolution 841 (1993) of the Security Council, paragraphs 5 to 9 of which were reactivated by paragraph 1 of Security Council resolution 873 (1993), has the honour to inform him that Regulation No. 3028/93 of the European Community of 28 October 1993 confirms, as far as Belgium is concerned, the ban on the sale or supply to Haiti of petroleum and petroleum products. The arms embargo has been put into effect by an administrative ban on the issuance of any licence for the export of arms to Haiti (in Belgium, the export of arms requires a licence, which must be issued in accordance with the Act of 5 August 1991 and the Royal Decree of 5 March 1991). Paragraph 8 of Security Council resolution 841 (1993) concerning the freezing of foreign exchange operations, capital movements and financial transfers of any kind between a Member State and Haiti carried out by, on behalf of or in favour of the Government or the de facto authorities in Haiti or by entities controlled directly or indirectly by such Government or authorities, has also been put into effect by the Royal Decree of 25 February 1994 concerning financial relations with Haiti (Moniteur belge of 9 March 1994).

The text of the Royal Decree is annexed hereto.*

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* The text of this Decree is available for consultation in room No. S-3545.

UNITED NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/48/922
S/1994/393
5 April 1994
ENGLISH
ORIGINAL: RUSSIAN

GENERAL ASSEMBLY
Forty-eighth session
Agenda item 114 (b)
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

SECURITY COUNCIL
Forty-ninth year

Letter dated 1 April 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General

I have already had the honour to transmit to you the text of the statement by the Ministry of Foreign Affairs of the Azerbaijani Republic concerning the inhuman act perpetrated by the authorities of the Armenian Republic - the execution on 15 February 1994 of Azerbaijani prisoners and hostages in the prisoner-of-war camp near the town of Spitak, Republic of Armenia (S/1994/206, annex). On 16 February 1994 the press service of the Ministry of Foreign Affairs of the Republic of Armenia officially acknowledged the executions of Azerbaijani prisoners, emphasizing that "they were killed while attempting to escape".

It was not until 23 March 1994 that, thanks to the efforts of the International Committee of the Red Cross, the bodies of dozens of victims were handed over to Azerbaijan.

The findings of the forensic report prepared by a commission from the Ministry of Public Health contradict the affirmation by the press service of the Armenian Ministry of Foreign Affairs and, in addition, indicate that, prior to their death, the victims were ill-treated and tortured. The report established that R. R. Agayev, E. G. Akhmedov, E. S. Mamedov, G. K. Mamedov, F. G. Kouliyev and E. M. Akhmedov were killed by shots to the temple and that B. A. Guiyassov was shot point blank in the face.

R. R. Agayev, E. S. Mamedov and E. M. Akhmedov had had their ears cut off and R. R. Agayev had been eviscerated: heart, liver and spleen were missing.

The examination of the body of I. S. Nasjirov revealed clear signs of cachexia, which is indicative of prolonged undernourishment. The body of F. G. Gousseinov bore numerous external marks of physical torture.

On 26 March 1994 the Ministry of Foreign Affairs of the Azerbaijani Republic communicated the findings of the forensic report on the bodies of the executed Azerbaijani prisoners in a note to embassies of foreign Governments accredited to the Azerbaijani Republic and to international humanitarian organizations.

The note stated that "the Ministry of Foreign Affairs of the Azerbaijani Republic expressing its indignation at the inhuman act perpetrated by the authorities of the Armenian Republic and the flagrant violation of the Geneva Conventions of 1949, in particular the Convention relative to the Treatment of Prisoners of War, appeals to the international community to vigorously condemn the criminal act perpetrated against Azerbaijani prisoners of war and demand that the authorities of the Republic of Armenia put an end to the massacre of Azerbaijani hostages and prisoners still in the territory of the Republic of Armenia".

I should be grateful if you would have this letter circulated as an official document of the forty-eighth session of the General Assembly, under item 114 of the agenda, and of the Security Council.

(Signed) Yashar T. ALIYEV
Chargé d'affaires a.i.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1994/394
5 April 1994

ORIGINAL: ENGLISH

LETTER DATED 4 APRIL 1994 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to enclose herewith a copy of the letter dated 2 April 1994 from the Deputy Prime Minister and Minister for Foreign Affairs, Mr. Mate Granić, addressed to you.

I would kindly request your assistance in distributing the present letter and its annex as a document of the Security Council.

(Signed) Mario NOBILO
Ambassador
Permanent Representative

Annex

Letter dated 2 April 1994 from the Deputy Prime Minister and Minister for Foreign Affairs of Croatia addressed to the President of the Security Council

It is with deep concern that I would like to inform you and the distinguished members of the Security Council of some extremely dangerous and worrisome developments that have taken place in the course of the last several days.

On Friday and Saturday, the Croatian town of Županja and the nearby village of Gunja came under repeatedly heavy artillery shelling from across the Sava River, i.e. territory of the neighbouring Republic of Bosnia and Herzegovina presently under the control of the irregular Serbian forces. At least a dozen shells fell on the area, a general alert was sounded and the local populace had to seek safety in underground shelters on Good Friday. The attacks have also inflicted substantial material damage.

I would like to draw your attention that these criminal acts have taken place against the backdrop of recently adopted Security Council resolution 908 (1994), by which the mandate of the United Nations Protection Force was renewed and somewhat modified. These attacks have also been launched following the recently signed overall cease-fire agreement between the representatives of the Croatian Government and the Serbian insurgents in the United Nations Protected Areas on the territory of the Republic of Croatia (see S/1994/367, annex).

According to information at our disposal, as well as news agency dispatches, the very same irregular Serb forces in Bosnia and Herzegovina have continued with their gruesome and repugnant practice of ethnic cleansing. High officials of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) publicly accused the Serb irregulars of killing at least 17 Muslim and 2 Croats in the Prijedor area over the period of three days leading up to Friday, 1 April 1994. They also claimed that at least 40 Muslim and Croat houses had been completely destroyed or severely damaged in bombing attacks in Prijedor. Owing to the fact that the personal safety of some 6,000 Muslims could no longer be guaranteed by the international humanitarian organizations, ICRC is seriously considering evacuating these unfortunate people from the city, along with the rest of the non-Serbian population. Very similar and equally disturbing information is coming out of Banja Luka, another northern Bosnian town under Serbian control. Ethnic cleansing of Banja Luka, in which some 70,000 non-Serbs are living at present, has evidently been intensified in the last 48 hours, according to ICRC officials.

If ethnic cleansing of the northern parts of Bosnia and Herzegovina and similar criminal acts being committed by the irregular Serb forces are not stopped immediately, the Republic of Croatia will be faced by yet another great flood of refugees and displaced persons. Adding another 50,000 to 75,000 persons to the already unbearable burden of some half a million refugees

and the displaced persons in Croatia would certainly put my Government in an extremely difficult position and totally deplete very limited resources at our disposal. I therefore plead with you to use all your influence and authority under the existing Security Council resolutions to bring these worrisome developments to an end.

Despite Security Council resolution 908 (1994), as well as the cease-fire agreement of 27 March 1994 (see S/1994/367, annex), large parts of Croatian territory continue to be exposed to criminal attacks and devastation by the Serbian irregular forces, thus jeopardizing the cause of peace.

My Government is deeply convinced that Croatia's demand, as presented in the letter of 16 March 1994 from President Franjo Tudman to the Secretary-General (S/1994/305), for ensuring and establishing a firm control by the United Nations troops over the borders of the Republic of Croatia has by the latest developments been proven even more justified.

I would like strongly to reiterate this demand and express the sincere hope that the Security Council will, under your able guidance and presidency, find ways and sufficient resources to stop the criminal and unprovoked attacks against my country.

(Signed) Mate GRANIĆ
Deputy Prime Minister and
Minister for Foreign Affairs

UNITED NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/49/117
S/1994/395
5 April 1994

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Item 64 (c) of the preliminary list*
GENERAL AND COMPLETE DISARMAMENT:
NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND OF VEHICLES FOR THEIR DELIVERY IN ALL ITS ASPECTS

SECURITY COUNCIL
Forty-ninth year

Letter dated 31 March 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Greece to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a communiqué issued on behalf of the European Union by its Presidency on the nuclear issue concerning the Democratic People's Republic of Korea.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under item 64 (c) of the preliminary list, and of the Security Council.

(Signed) Adamantios Th. VASSILAKIS
Chargé d'affaires a.i.
Deputy Permanent Representative

* A/49/50.

ANNEX

Communiqué on the nuclear issue concerning the Democratic People's Republic of Korea, issued on 31 March 1994 on behalf of the European Union by its Presidency

The European Union expresses its deep concern that the Democratic People's Republic of Korea has failed to allow inspectors of the International Atomic Energy Agency (IAEA) to complete inspection activities, agreed between the Democratic People's Republic of Korea and the Agency on 15 February 1994, thus increasing the extent of its non-compliance with the provisions of the safeguards agreement under its commitment to the Treaty on the Non-Proliferation of Nuclear Weapons.

The European Union fully supports the IAEA Board of Governors resolution of 21 March 1994, recalling in particular paragraph 3, in which the board of Governors strongly endorsed and commended the patient and impartial efforts of the Director-General and the secretariat to implement the safeguards agreement, and recalling paragraph 6, in which the Director-General was requested to transmit that resolution and his report to the Security Council in accordance with article XII.C of the statute of IAEA.

The European Union views nuclear proliferation as a major threat to international peace and security and recalls its long-standing commitment to the aims of the non-proliferation treaty.

Therefore, we urge the Democratic People's Republic of Korea immediately and fully to comply with the IAEA-Democratic People's Republic of Korea safeguards agreement. We also urge the Democratic People's Republic of Korea to enter into discussions with the Republic of Korea for the implementation of the joint declaration on the denuclearization of the Korean peninsula.

The European Union considers that prospects for a better relationship with the Democratic People's Republic of Korea would be greatly enhanced if concerns over that country's nuclear activities and intentions could be alleviated.

The European Union calls upon the Democratic People's Republic of Korea to display a responsible attitude and to refrain from its present position, which constitutes a threat to peace, stability and security in the Korean peninsula and in the whole region.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1994/396
5 April 1994

ORIGINAL: ENGLISH

LETTER DATED 5 APRIL 1994 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Gorazde continues to be under attack despite the fact that it has been declared a "safe area". However, those who have assumed responsibility under Security Council resolutions 824 (1993) and 836 (1993) to protect the safe areas are not fulfilling this responsibility. At the same time, those people in Gorazde with the right and the obligation to defend their population are losing the battle, not for lack of resolve but for the lack of defensive weapons to defend their homes and their lives. These two realities cannot coexist if the population of Gorazde is to survive.

The moderate success of the international community in alleviating the situation in Sarajevo does not absolve it from the equally valid responsibility to confront aggression and protect the other safe areas, even when they seem to have been out of its immediate focus.

Those with the responsibility to protect the safe areas have failed to do so. We now urgently renew a demand that the Council clarify that the arms embargo under Security Council resolution 713 (1991) does not apply to the defence forces of the Republic of Bosnia and Herzegovina.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/397
5 April 1994

ORIGINAL: ENGLISH

LETTER DATED 5 APRIL 1994 FROM THE PERMANENT REPRESENTATIVE OF GEORGIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you the text of the declaration on measures for a political settlement of the Georgian/Abkhaz conflict and the text of the quadripartite agreement on voluntary return of refugees and displaced persons, signed in Moscow on 4 April 1994.

I would be grateful if the present letter and its annexes were circulated as a document of the Security Council.

(Signed) Peter P. CHKHEIDZE
Permanent Representative
Ambassador Extraordinary
and Plenipotentiary

Annex I

[Original: English and Russian]

Declaration on measures for a political settlement of the Georgian/Abkhaz conflict signed on 4 April 1994

1. The third round of negotiations on a comprehensive settlement of the Georgian-Abkhaz conflict took place from 22 to 25 February 1994 in Geneva, from 7 to 9 March 1994 in New York and from 29 to 31 March in Moscow under the aegis of the United Nations with the facilitation of the Russian Federation and with the participation of representatives of the Conference on Security and Cooperation in Europe (CSCE) and the United Nations High Commissioner for Refugees (UNHCR).

2. The negotiations were held in accordance with Security Council resolutions 849 (1993) of 9 July 1993, 854 (1993) of 6 August 1993, 858 (1993) of 24 August 1993, 876 (1993) of 19 October 1993, 881 (1993) of 4 November 1993, 892 (1993) of 22 December 1993, 896 (1994) of 31 January 1994, 901 (1994) of 4 March 1994 and 906 (1994) of 25 March 1994.

3. By signing this declaration, the parties hereby commit themselves to a strict formal cease-fire from this date and also reaffirm their commitment to the non-use of force or threat of the use of force against each other as expressed in their communiqué of 13 January 1994 (see S/1994/32, annex).

4. The parties have agreed to and signed a quadripartite agreement, a copy of which is attached to the present declaration, on the repatriation of refugees and displaced persons. The agreement provides for the return of refugees/displaced persons in accordance with existing international practice, including the practice of UNHCR. A special commission on refugees/displaced persons, which shall include representatives of the parties, UNHCR, the Russian Federation, and CSCE in an observer capacity, shall begin its work in Sochi in mid-April 1994. The implementation of the agreement will begin upon the deployment of a peace-keeping force.

5. The parties reaffirm their request for the early deployment of a peace-keeping operation and for the participation of a Russian military contingent in the United Nations peace-keeping force, as stated in the Memorandum of Understanding of 1 December 1993 (S/26875, annex) and the communiqué of 13 January 1994. The plan for carrying out the peace-keeping operation will be agreed upon with the parties to the conflict. The realization of the peace-keeping operation should also promote the safe return of refugees/displaced persons. The parties again appeal to the United Nations Security Council to expand the mandate of the United Nations Observer Mission in Georgia (UNOMIG).

6. Abkhazia shall have its own Constitution and legislation and appropriate State symbols, such as anthem, emblem and flag.

7. The parties held discussions on distribution of powers on the understanding that any agreement on this issue is part of a comprehensive settlement and will

be reached only once a final solution to the conflict has been found. At this stage, the parties have reached a mutual understanding regarding powers for joint action in the following fields:

(a) Foreign policy and foreign economic ties;

(b) Border guard arrangements;

(c) Customs;

(d) Energy, transport and communications;

(e) Ecology and elimination of consequences of natural disasters;

(f) Ensuring human and civic rights and freedoms and the rights of national minorities.

8. The parties agree to continue energetic efforts to achieve a comprehensive settlement. The Parties will set up an appropriate committee, which will work on a standing basis, taking into account the decisions of the Security Council under the chairmanship of the United Nations, with participation of representatives of CSCE and the Russian Federation and with the involvement of international experts. This body will meet alternatively in Moscow and Geneva. Its first meeting will be held in Geneva on 19 April 1994. A phased action programme will be worked out and proposals on the re-establishment of State and legal relations will be elaborated.

9. The parties decided to take additional measures in connection with the search for missing persons and the reburial of the dead.

10. The parties, based on the fact that there is no statute of limitations applicable to war crimes, agreed to intensify efforts to investigate war crimes, crimes against humanity and serious criminal offences as defined by international and national law and bring the perpetrators to justice. Inevitable punishment shall also be inflicted on persons who try or will try to undermine the peace process in Abkhazia by resorting to arms.

For the Georgian side:

(Signed) A. KAVSADZE

For the Abkhaz side:

(Signed) S. JINJOLIA

In the presence of:

From the United Nations:

(Signed) E. BRUNNER

From the Russian Federation:

(Signed) B. PASTUKHOV

From the Conference on Security and Cooperation in Europe:

(Signed) V. MANNO

Annex II

Quadripartite agreement on voluntary return of refugees and displaced persons signed on 4 April 1994

The Abkhaz and Georgian sides, hereinafter referred to as the Parties, the Russian Federation and the United Nations High Commissioner for Refugees,

Recalling Security Council resolutions 849 (1993) of 9 July 1993, 854 (1993) of 6 August 1993, 858 (1993) of 24 August 1993, 876 (1993) of 19 October 1993, 892 (1993) of 22 December 1993, 896 (1994) of 31 January 1994, 901 (1994) of 4 March 1994 and 906 (1994) of 25 March 1994,

Recognizing that the right of all citizens to live in and to return to their country of origin is enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

Noting conclusions 18 (XXXI) and 40 (XXXVI) of the Executive Committee of the Programme of the Office of the United Nations High Commissioner for Refugees, which constitute internationally agreed principles governing the repatriation of refugees,

Acting in accordance with the Memorandum of Understanding signed by the Parties on 1 December 1993 and especially paragraph 4, under which Parties expressed their willingness to create conditions for the voluntary, safe and dignified return of displaced persons to their permanent places of residence in all regions of Abkhazia,

Recalling that resolution 428 (V) of 14 December 1950, by which the General Assembly of the United Nations adopted the statute of the Office of the United Nations High Commissioner for Refugees, ascribes to the High Commissioner the function of providing international protection to refugees and of seeking permanent solutions for the problems of refugees, inter alia, by promoting and facilitating their voluntary repatriation,

Given the responsibility entrusted to the United Nations High Commissioner for Refugees to act, under the Secretary-General's authority, as the international lead agency for the repatriation of displaced persons to Abkhazia,

Noting the desire of the Parties to cooperate with each other to achieve full observance of the principles and safeguards governing voluntary repatriation,

Considering the need, therefore, to establish a framework to define modalities of such cooperation for implementation of the repatriation,

Noting that the Parties agree that a repatriation operation to Abkhazia will imply, prior to its implementation, that the security and living conditions in the areas of return are guaranteed.

HAVE AGREED ON THE FOLLOWING PROVISIONS:

1. The Parties agree to cooperate and to interact in planning and conducting the activities aimed to safeguard and guarantee the safe, secure and dignified return of people who have fled from areas of the conflict zone to the areas of their previous permanent residence.

2. For the purpose of the present agreement, the parties will guarantee the safety of refugees and displaced persons in the course of the voluntary repatriation and rehabilitation operations to be organized.

3. In implementing this voluntary repatriation programme, the Parties undertake to respect the following principles:

(a) Displaced persons/refugees have the right to return voluntarily to their places of origin or residence irrespective of their ethnic, social or political affiliation under conditions of complete safety, freedom and dignity;

(b) The voluntary character of the repatriation shall be ascertained and respected through appropriate arrangements;

(c) Displaced persons/refugees shall have the right to return peacefully without risk of arrest, detention, imprisonment or legal criminal proceedings.

Such immunity shall not apply to persons where there are serious evidences that they have committed war crimes and crimes against humanity as defined in international instruments and international practice as well as serious non-political crimes committed in the context of the conflict. Such immunity shall also not apply to persons who have previously taken part in the hostilities and are currently serving in armed formations, preparing to fight in Abkhazia.

Persons falling into these categories should be informed through appropriate channels of the possible consequences they may face upon return;

(d) The Parties shall ensure that returnees, upon return, will enjoy freedom of movement and establishment including the right to return to the areas where they lived prior to leaving the conflict zone or to the area of their choice;

(e) The Parties shall ensure that refugees and displaced persons, upon return, will get their expired documents (propiska, passport) extended and validated for their previous place of residence or the elected place of return;

(f) The Parties shall ensure that repatriants, upon return, will be protected from harassment, including unauthorized charges or fees and threat to life or property;

(g) Returnees shall, upon return, get back movable and immovable properties they left behind and should be helped to do so, or to receive whenever possible an appropriate compensation for their lost properties if return of property appears not feasible.

The Commission mentioned in paragraph 5 below will establish a mechanism for such claims. Such compensation should be worked out in the framework of the reconstruction/rehabilitation programmes to be established with a financial assistance through the United Nations Voluntary Fund;

(h) Displaced persons/refugees who choose not to return to Abkhazia shall continue to be assisted and protected until acceptable alternative solutions are found for such cases;

(i) In accordance with the fundamental principle of preserving family unity, where it is not possible for families to repatriate as units, a mechanism shall be established for their reunification in Abkhazia. Measures shall also be taken for the identification and extra care/assistance for unaccompanied minors and other vulnerable persons during the repatriation process;

(j) The Parties agree that refugees and displaced persons will be guaranteed unimpeded access to all available information on the situation in the areas where repatriation will take place. Such an information should be provided in the framework of a campaign to be launched by the Commission as mentioned in paragraph 9 (b) below.

4. For the purpose of the implementation of voluntary return of displaced persons and refugees to Abkhazia, a quadripartite Commission is hereby established.

5. The principal tasks of the Commission shall be to formulate, discuss and approve plans to implement programmes for the safe, orderly and voluntary repatriation of the refugees and displaced persons to Abkhazia from Georgia, the Russian Federation and within Abkhazia and for their successful reintegration. Such plans should include registration, transport, basic material assistance for a period of up to six months and rehabilitation assistance.

In order to create the conditions for the return of refugees and displaced persons, the Commission will establish a working group of experts to undertake an assessment of the level of damage to the economic and social infrastructure in Abkhazia, the availability of housing and the extent of damage to houses in the areas of return as well as the projected needs in rehabilitation/ reconstruction, with financial implications. This survey should be undertaken region by region according to the plan of return to be worked out and accepted by the Parties, bearing in mind that the Parties have agreed to start the repatriation operation with the Gali region.

6. The Commission shall be composed of four members, one being designated by each of the Parties and two representing the Russian Federation and the United Nations High Commissioner for Refugees.

In addition, the Conference on Security and Cooperation in Europe (CSCE) will designate a representative to attend the Commission's meetings in an observer capacity. If circumstances do not allow the designated CSCE representative to attend such meetings, the Commission will keep the CSCE mission in Georgia informed on a regular basis on the progress of the Commission's work.

7. Any member of the Commission may, when attending any meeting of the Commission, be accompanied by such advisers as the Party designating that member may deem necessary. Where a member of the Commission is unable to attend any meeting of the Commission, the Party concerned may designate a substitute.

8. The Commission shall meet as often as required, but no less frequently than once every month. Meetings of the Commission may be convened at the request of any of the members and shall be held on the territory of the Russian Federation, except as the members of the Commission may otherwise agree. The Parties agree to guarantee the personal security of the members of the Commission and personnel involved in the activities agreed.

The first meeting of the Commission shall be scheduled as soon as possible and no later than one week after the adoption by the Security Council of a resolution on a mechanism ensuring the security conditions in the areas of return.

9. During its first meeting, the Commission will set out the modalities of the assessment mentioned in paragraph 5 above and will establish a plan concerning:

(a) The areas where repatriation will be primarily conducted according to the level of guaranteed security and preparedness;

(b) The implementation of an information campaign among the displaced person/refugee population to encourage voluntary return;

(c) The registration process of persons expressing their willingness to return;

(d) The activities needed to safeguard the safety of returnees based on the principles set out in paragraph 3 (a) to (j) above;

(e) The needs for financial, transport and basic material assistance to displaced persons/refugees as well as projected needs for rehabilitation/reconstruction of the areas of return as mentioned in paragraph 5 above.

10. The Parties agree that representatives of refugees and displaced persons shall be provided with facilities to visit the areas of return and to see for themselves arrangements made for their return.

11. In the event of disagreement within the Commission regarding the application and interpretation of this Agreement, where such disagreement cannot amicably be settled among the members of the Commission, the Commission shall refer such disagreements to the Parties and to the Russian Federation and the United Nations High Commissioner for Refugees.

THE PARTIES, THE RUSSIAN FEDERATION AND THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES FURTHER AGREE AS FOLLOWS:

(a) UNHCR shall have direct and unhindered access to all displaced persons/refugees from Abkhazia in order to undertake activities essential to the discharge of its mandate and operational and monitoring responsibilities;

(b) Travel shall be facilitated between and within all areas where refugees and displaced persons are located and areas of return for the personnel of the United Nations and other relevant international and non-governmental agencies cooperating with the United Nations in repatriation, reintegration and rehabilitation programmes. It shall include the free use of airspace and authorized airstrips and airports for relief flights and the exemption from taxes and duties of all goods imported for use in the voluntary repatriation programme of displaced persons/refugees from Abkhazia and for the provision of relief integration and rehabilitation assistance to the Abkhazian region by the United Nations and cooperating agencies, as well as the expeditious clearance and handling of such goods;

(c) The Russian Federation will guarantee unimpeded transit of humanitarian supplies through its territory for the purposes of the present Agreement;

(d) UNHCR shall establish local offices, as deemed appropriate, at locations to be approved by the Parties concerned, to facilitate voluntary repatriation, reintegration and rehabilitation;

(e) The security of the staff and property of the United Nations and the cooperating agencies shall be guaranteed;

(f) The allocation and continued use by the Parties, the United Nations and the cooperating agencies of particularly designated radio frequencies for radio communications between their offices, vehicles, and staff, in areas where refugees and displaced persons are located and in areas of return, shall be provided.

This agreement shall enter into force with immediate effect and shall remain in force for the period required for the effective voluntary return of the displaced persons/refugees.

In witness whereof, the authorized representatives of the Abkhaz and Georgian sides, the Russian Federation and the United Nations High Commissioner for Refugees, have signed the present agreement.

Done at Moscow, this fourth day of April 1994 in four originals, three in the Russian language, and one in the English language, the four texts being equally authentic but the English text being authoritative for interpretation purposes.

For the Abkhaz side

(Signed) S. JINJOLIA

For the Georgian side

(Signed) A. KAVSADZE

For the Russian Federation

(Signed) B. PASTUKHOV

For the United Nations
High Commissioner for Refugees

(Signed) J. AMUNATEGUL

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/398
5 April 1994

ORIGINAL: ENGLISH

LETTER DATED 5 APRIL 1994 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions of my Government, I have the honour to write to you in connection with the letter dated 16 February 1994 from the Permanent Representative of Croatia to the United Nations addressed to you (S/1994/198).

By invoking the Security Council resolutions and General Assembly resolution 47/1, the representative of Croatia seeks to present the legal status of the Federal Republic of Yugoslavia in a highly arbitrary and tendentious way. In doing so, he fails to recognize that it was precisely at the request of Croatia and Bosnia and Herzegovina that the Legal Counsel of the United Nations stated on 30 September 1992 that:

> "... the only practical consequence that the resolution draws is that the Federal Republic of Yugoslavia (Serbia and Montenegro) shall not participate in the work of the General Assembly. It is clear therefore, that representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) can no longer participate in the work of the General Assembly, its subsidiary organs, nor conferences and meetings convened by it.
>
> "On the other hand, the resolution neither terminates nor suspends Yugoslavia's membership in the Organization." 1/

As to the continuity of Yugoslavia as a party to international treaties, the United Nations Office of Legal Affairs, in its letter dated 16 November 1993, stated that:

> "... the status of Yugoslavia as a party to treaties was not affected by the adoption of General Assembly resolution 47/1 of 22 September 1992. By that resolution, the General Assembly decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) shall not participate in the work of the General Assembly. It did not address Yugoslavia's status as a party to treaties."

It is therefore surprising that, by interpreting General Assembly and Security Council resolutions in an arbitrary way, the representative of Croatia should oppose the positions taken by authoritative United Nations organs. It is

even more surprising that he should find it appropriate to react, after two years, to the letters of the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia of 27 April 1992, addressed to the Secretary-General of the United Nations and to the President of the Security Council. 2/ It should be recalled that these letters express, among other things, Yugoslavia's readiness to continue to honour its international commitments. Such an attitude is clearly expressed in the declaration on the continuity of the international legal personality of the Federal Republic of Yugoslavia, adopted on 27 April 1992 on the occasion of the proclamation of the Constitution of the Federal Republic of Yugoslavia. The declaration, as well as the Constitution of the Federal Republic of Yugoslavia, reflect the actual and legal situation in which the Yugoslav Federation found itself following the territorial diminution caused by the secession of its parts.

Since it is posited on subjectivism and arbitrariness, the letter of the representative of Croatia overlooks some basic facts and legal categories. In that letter, it was repeatedly stated that the Federal Republic of Yugoslavia aspires to be the "sole legitimate successor to the former Socialist Federal Republic of Yugoslavia". It hardly merits serious mention that, as the predecessor State, the parts of which have seceded and became new States, the Federal Republic of Yugoslavia has never claimed to be nor could it point out, in the light of the relevant rules of international law, that it is a successor State (either the sole successor State or one of the successor States).

Croatia, no doubt, is a successor State and the Federal Republic of Yugoslavia does not deny that. The term "successor State", however, implies exclusively the change of sovereignty in a part of the territory of the Yugoslav Federation in the sense of the transformation of that part of the territory into an independent State. The very act of the change of territorial sovereignty is not automatically linked to the transfer of the rights and obligations of the Federation to the seceded part, since such a transfer implies legality of the territorial change, i.e. that the territorial change has been carried out in conformity with the principles of positive international law. The recognition of Croatia as an independent State by third States and its admission into international organizations is only the recognition of the actual state of affairs in a concrete case, i.e., the constitution of a new sovereignty on a part of the territory of the Federation, but it cannot convalidate the illegality of the act of secession and its consequences.

Against this backdrop, the Federal Republic of Yugoslavia, as the predecessor State, is not legally bound to engage in a debate on the consequences of secession and to seek their negotiated regulation. Guided by a desire to normalize relations with the seceded parts of the Yugoslav Federation and to protect the interests of third parties, statal and non-statal, the Federal Republic of Yugoslavia has entered the debate on succession. In its opinion, the debate should be aimed at achieving a negotiated regulation of all consequences of secession on the basis of the relevant legal rules on the transfer of part of rights and obligations and the rules on the responsibility for unlawful acts.

In his letter, the representative of Croatia invokes the so-called Badinter Commission's opinions in an attempt to find support for his positions. However,

the fact is that the Badinter Commission is no arbitration at all; it is an advisory body of the Conference on Yugoslavia, which in practice acted as an advisory organ of the Chairman of the Conference and of the President of the Council of the European Community. The Commission's opinions were to serve as an element in the work of the Conference on Yugoslavia which was to take decisions on the basis of the agreement of the participants. In this sense, inter alia, it was said in the opinions that "the results of the Commission's deliberations will be put back to the Conference through the Chairman". (Conference on Yugoslavia, Arbitration Commission, interlocutory decision, opinions Nos. 8, 9 and 10).

In response to the attempts to have the original mandate of the Commission expanded, the Federal Republic of Yugoslavia disassociated itself in clear and unambiguous terms from the work of the Commission. In their joint letter of 8 June 1992, the Presidents of Serbia and Montenegro denied the Commission's competence to provide answers to the questions which were put forward to the Commission on 18 May 1992 by the Chairman of the Conference, contrary to the agreed procedure. In the official statement of 4 July 1992, the Government of the Federal Republic of Yugoslavia, inter alia, pointed out that the opinions of the Commission constitute no legal basis for whatever meritorious decision and that it considered them a doctrinaire opinion in the sense of Article 38 (d) of the Statute of the International Court of Justice. Finally, in the official statement of 30 April 1993, the Government of the Federal Republic of Yugoslavia stated that the Federal Republic of Yugoslavia shall consider null and void and non-binding each and every opinion of the Commission adopted in the procedure to which it has not agreed.

An eloquent proof of the "validity and significance" of the opinions of this Commission is the fact that it was ignored by the European Community itself. It is known that the Badinter Commission was of the opinion that, of all seceded Yugoslav republics, only Slovenia and Macedonia, met the conditions for recognition. However, soon after the adoption of this opinion, the European Community recognized Croatia which, even in the opinion of the Commission, did not fulfil the basic criteria for recognition. The invocation of the positions of the Badinter Commission, therefore, could not be taken as a legally and politically relevant argument and fact.

It transpires from the above-mentioned that the positions contained in the letter of the representative of Croatia have no legal basis and are motivated solely by political reasons. The Yugoslav Government deplores that such a response by the representative of Croatia should come at a time when bilateral negotiations between the Federal Republic of Yugoslavia and the Republic of Croatia have been intensified.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

/...

Notes

1/ A/47/485.

2/ A/46/915 and S/23877.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/399
6 April 1994
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 5 APRIL 1994 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that, during the period from 21 to 30 March 1994, United States aircraft continued to violate Iraqi national airspace for the purpose of observation and provocation and in order to drop heat flares.

21 March 1994

(a) Northern region: 5 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Dohuk, Zakho and Amadiyah.

(b) Southern region: 40 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Nasiriyah, Samawah, Salman, Amarah, Qal'at Salih, Shatrah, Qurnah, Artawi, Basra and Busayyah.

- At 1330 hours on 20 March 1994, a hostile aircraft dropped two heat flares on the Kalik area in Irbil Governorate.

22 March 1994

Southern region: 52 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Basra, Nasiriyah, Samawah, Jalibah, Busayyah, Artawi and the area south of Diwaniyah.

- At 1225 hours on 22 March 1994, a United States TR-1 reconnaissance aircraft violated Iraqi airspace, flying at a speed of 600 km/h and at an altitude of 20,000 m over Basra, Qurnah, Nasiriyah, Amarah, Samawah, Ushbayjah and Qal'at Salih. It departed at 1511 hours, heading in the direction of Saudi Arabian airspace.

- At 1715 hours on 24 March 1994, a hostile aircraft dropped a heat flare on the Kalik area in Irbil Governorate.

23 March 1994

Southern region: 40 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Nasiriyah, Samawah, Qurnah, Qal'at Salih, Busayyah, Salman, Jalibah and Artawi.

24 March 1994

(a) Northern region: 39 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Mosul, Irbil, Dohuk, Zakho, Tall Afar, Amadiyah and Ayn Zalah.

(b) Southern region: 34 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Nasiriyah, Samawah, Qal'at Salih, Amarah, Qurnah, Artawi, Jalibah, Jabayish and Busayyah.

25 March 1994

(a) Northern region: 35 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Mosul, Irbil, Dohuk, Zakho, Tall Afar and Amadiyah.

(b) Southern region: 58 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Nasiriyah, Samawah, Qurnah, Salman, Busayyah, Jalibah and Ushbayjah.

26 March 1994

(a) Northern region: 20 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Mosul, Irbil, Dohuk, Zakho and Rawandoz.

(b) Southern region: 14 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Nasiriyah, Samawah, Jabayish, Salman, Artawi, Ushbayjah and Busayyah.

27 March 1994

Southern region: 36 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Nasiriyah, Samawah, Salman, Qurnah, Artawi, Basra, Qal'at Salih, Jalibah and Busayyah.

- At 1230 hours on 27 March 1994, a United States TR-1 reconnaissance aircraft violated Iraqi airspace, flying at a speed of 600 km/h and at an altitude of 20,000 m. It departed at 1435 hours, heading in the direction of Saudi Arabian airspace.

28 March 1994

(a) Northern region: 36 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Mosul, Artawi, Dohuk, Zakho, Tall Afar and Amadiyah.

(b) Southern region: 42 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Nasiriyah, Samawah, Busayyah, Ushbayjah, Jalibah, Artawi, Basra, Salman and Qal'at Salih.

29 March 1994

(a) Northern region: 23 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Mosul, Irbil, Dohuk, Zakho, Tall Afar, Amadiyah and Ayn Zalah.

(b) Southern region: 50 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Nasiriyah, Samawah, Qurnah, Busayyah, Qal'at Salih, Ushbayjah, Salman, Jalibah, Artawi and Basra.

30 March 1994

(a) Northern region: 17 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Mosul, Irbil, Dohuk, Zakho, Amadiyah, Tall Afar and Aqrah.

(b) Southern area: 20 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Nasiriyah, Samawah, Jalibah, Artawi and Busayyah.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

UNITED
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Security Council

Distr.
GENERAL

S/1994/400
6 April 1994

ORIGINAL: ENGLISH

LETTER DATED 6 APRIL 1994 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Our Government in Sarajevo has informed us this afternoon that heavy shelling and other hostilities against the "safe area" of Gorazde by Serbian forces continues.

Also, our Government reaffirmed its report, which is supported by numerous media accounts, that General Rose was prevented by Serbian forces from entering Gorazde. General Rose seems to have confirmed our Government's report himself. In a United Press International (UPI) wire report dated today, General Rose was directly quoted as saying "We're not an army of occupation and we've got to accept the fact if the Serbs say the situation is such that they don't want us to go there now ... However, they have said that in two days time the situation will have been sufficiently resolved that they will allow us to go in." The UPI wire is definitely not a misquote, as General Rose appeared on CNN Headline News (today's 2.30 p.m. edition) and stated the same exact facts to television cameras, word for word, as indicated in the UPI wire.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

94-16798 (E) 060494

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General Assembly
Security Council

Distr.
GENERAL

A/49/118
S/1994/401
6 April 1994

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Item 146 of the preliminary list*
MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

SECURITY COUNCIL
Forty-ninth year

Letter dated 6 April 1994 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I would like to draw your attention to a grave act of terrorism which was perpetrated today in Israel by Palestinian terrorists. Initial reports have revealed the following:

(a) Shortly after noon local time, a passenger bus travelling the Afula-Migdal Ha'emek line pulled into a busstop in downtown Afula in front of the Cultural Center. A booby-trapped car exploded next to the bus, killing eight people and wounding more than fifty;

(b) The terrorist organization Hamas claimed responsibility for this attack. An anonymous caller on behalf of Hamas stated that 175 kilograms of explosives were used;

(c) Hamas has also threatened to carry out more terrorist acts of this kind.

This act is yet another example of the terrorism that is continually aimed at Israel. The terrorists who perpetrate these acts are attacking not only Jews and Arabs, but the peace process itself, which is their main target.

We call upon all Member States to condemn this crime and to join Israel and the other parties to the negotiations in advancing the peace process.

Despite the pain and sorrow, Israel will not be swayed by such acts of violence from its commitment to the peace process, nor will it allow such terrorist attacks to delay the peace talks.

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* A/49/50.

I should be grateful if you would have the present letter circulated as an official document of the General Assembly, under item 146 of the preliminary list, and of the Security Council.

(Signed) Gad YAACOBI
Ambassador
Permanent Representative of Israel
to the United Nations

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Security Council

Distr.
GENERAL

S/1994/402
6 April 1994
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 6 APRIL 1994 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the Agreement signed by the Libyan Arab Jamahiriya and the Republic of Chad at Surt on 4 April 1994 concerning the territorial dispute between the Libyan Arab Jamahiriya and the Republic of Chad.

I should like to point out that the second paragraph of article 1 of that Agreement provides for United Nations observers to be present during all Libyan withdrawal operations and to establish that the withdrawal is actually effected.

I should be grateful if you would have this letter and the annexed Agreement circulated as a document of the Security Council.

(Signed) Ali Ahmed ELHOUDERI
Permanent Representative

94-16865 (E) 070494 070494

070494

/...

Annex

[Original: Arabic and French]

Agreement between the Great Socialist People's Libyan Arab Jamahiriya and the Republic of Chad concerning the practical modalities for the implementation of the Judgement delivered by the International Court of Justice on 3 February 1994

The Great Socialist People's Libyan Arab Jamahiriya and the Republic of Chad, in implementation of the Judgement of the International Court of Justice delivered on 3 February 1994, have decided to conclude this Agreement.

Article 1. The two Parties have agreed that operations for the withdrawal of the Libyan administration and forces shall commence on 15 April 1994, under the supervision of a mixed team composed of 25 Libyan officers and 25 Chadian officers and based at the Aouzou administrative post. The withdrawal operations shall end on 30 May 1994 at 0000 hours. The official ceremony for the hand-over of the territory shall be held on 30 May 1994 at the Aouzou administrative post.

United Nations observers shall be present during all the Libyan withdrawal operations and shall establish that the withdrawal is actually effected.

Article 2. The two Parties have agreed as follows:

(a) To establish a joint team of 40 (forty) experts in mine disposal, composed of 20 (twenty) men from each side. The size of the team may be increased should the volume of work so require. This team shall begin work on 15 April 1994.

(b) The mine disposal operations shall be focused on the main roads leading to the Aouzou administrative post and the areas around the wells and shall be completed within the term set for the withdrawal.

(c) The main roads on which mine disposal and clearance is to be carried out shall be the following:

- Aouzou - Moska - Omchi - Yebbi Bou

- Aouzou - Treni - Bardai

- the caravan route leading to the Ermi wells.

(d)(i) The mine disposal operations shall continue until 30 May 1994, with a view to the complete removal of mines, the neutralization of hazardous objects and mechanisms and the disinfection of wells.

(ii) In the other regions, the terms and modalities of these operations shall be defined within the framework of bilateral cooperation.

Article 3. The two Parties have agreed that the crossing points for persons and property shall be as follows:

- On the Chadian side, Ounianga and Zouar

- On the Libyan side, Koufra and Al Wigh

until such time as joint gateway points are established on the frontier between the two countries within the framework of bilateral relations.

Article 4. The two countries have agreed to study the question of establishing joint patrols to monitor the extensive frontier between the two countries, within the framework of bilateral relations.

Article 5. With a view to ensuring their joint security, the two Parties shall refrain from encouraging or providing any support whatsoever from their territories to groups hostile to either of the Parties.

Furthermore, with a view to the maintenance of good-neighbourliness, the two Parties undertake not to use or to permit any third party to use the areas adjacent to their common frontier or their frontier bases for military purposes hostile to either Party.

Article 6. The two Parties have agreed to establish a joint team of experts from the two countries to undertake the delimitation of the common frontier between the two countries in accordance with the Judgement of the International Court of Justice delivered on 3 February 1994.

Article 7. With a view to strengthening bilateral relations, the two countries have agreed to work on developing their cooperation in all fields, within the framework of Higher Joint Commission.

Article 8. The two Parties undertake to notify the United Nations of this Agreement.

Article 9. This Agreement shall enter into force on the date of signature.

Article 10. Done at Surt on 24 April A.D. 1994, corresponding to 23 Shawwal A.H. 1403 and 4 Tayr 1423 MWR, both texts being equally authentic.

For the Republic of Chad:	For the Great Socialist People's Libyan Arab Jamahiriya:
(Signed) Abderrahman Izzo MISKINE	Mohamed Mahmud AL HIJAZI
Minister for the Interior and Security	Secretary of the General People's Committee for Justice and Public Security

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General Assembly
Security Council

Distr.
GENERAL

A/48/923
S/1994/403
7 April 1994
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Forty-eighth session
Agenda item 35
QUESTION OF PALESTINE

SECURITY COUNCIL
Forty-ninth year

Letter dated 5 April 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

In my capacity as Chairman of the Arab Group for the month of April 1994, I have the honour to transmit to you herewith the text of resolution 5366 as adopted on 27 March 1994 by the Council of the League of Arab States at its one hundred and first regular session. The resolution is entitled "The situation in the City of Jerusalem".

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 35, and of the Security Council.

(Signed) Chawki CHOUERI
Chargé d'affaires a.i.
Chairman of the Arab Group

ANNEX

Resolution 5366 (CI), adopted on 27 March 1994 by the Council of the League of Arab States at its one hundred and first regular session

The situation in the City of Jerusalem

The Council of the League of Arab States,

Having considered

the note by the Secretary-General,

its previous resolutions relating to this matter,

and the recommendation of the Political Affairs Committee,

DECIDES

1. To affirm the overriding importance of the Holy City of Jerusalem for the maintenance of peace efforts and the necessity of implementing the United Nations resolutions relating to the impermissibility of the alteration of its historical, cultural and demographic status;

2. To urge the co-sponsors of the peace process to confirm their undertaking that the fact that the question of Jerusalem is not under discussion at the present stage in the negotiations does not affect the need to implement the resolutions of international legitimacy, principally Security Council resolutions 252 (1968) and 478 (1980), with particular regard to the impermissibility of the unilateral alteration of the character of the Holy City;

3. To reaffirm the resolutions of the Council of the League, particularly its resolution 4328 of 31 March 1984, on the adoption of measures in implementation of the resolutions of the Arab Summit Conferences, and particularly the Eleventh Summit Conference, with regard to any country transferring its diplomatic mission to Jerusalem or recognizing the City as the capital of Israel;

4. To condemn Israeli measures and practices aimed at the Judaization of the City of Jerusalem by stepping up settlement activity there and confiscating the property of Palestinian residents; and to urge the implementation of the resolutions of international legitimacy on this question;

5. To provide material support to the Holy City in order to enable its Palestinian residents to protect their landed property and prevent the occupation authorities from instituting further expropriations and seizures of such property;

6. To request the Secretary-General to establish and maintain the necessary contacts for the implementation of this resolution.

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Security Council

Distr.
GENERAL

S/1994/404
8 April 1994

ORIGINAL: ENGLISH

LETTER DATED 7 APRIL 1994 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon the instructions of the President of the Republic of Bosnia and Herzegovina, I convey the following:

The attacks on and shelling of Gorazde by Serbian forces continue as of 1500 hours (Central European Time), 7 April 1994. The Serbian forces have broken into the city in at least one area and there is house to house fighting in the suburb of Vitkovica.

At 1800 hours (Central European Time), 7 April 1994, a cease-fire was arranged throughout the Republic of Bosnia and Herzegovina through the good offices of UNPROFOR and the Secretary-General's Special Representative. We cannot yet ascertain as to whether the Serbian side is honouring this cease-fire.

The Republic of Bosnia and Herzegovina demands that the Serbian offensive be immediately halted and that the Serbians withdraw their forces to the boundary of 30 March 1994 - the boundary of the "safe area" of Gorazde as defined pursuant to United Nations Security Council resolutions 824 (1993) and 836 (1993), as a basis for any further negotiations.

Once again, we request that the Security Council urgently inquire as to why its mandate under resolutions 824 (1993) and 836 (1993) has not been observed in either protecting the "safe area" of Gorazde or in bringing about the cessation of Serbian attacks and the withdrawal to the established boundaries of the safe area of Gorazde.

We also request that the Security Council take action to condemn the commitment of new Serbian forces and weapons that have joined in the attack on Gorazde across the border and to inquire as to why its resolution 838 has not been implemented.

Finally, we believe that the continued Serbian blockage of General Rose's mission to Gorazde is unacceptable, has contributed to the continuing tragedy and death in Gorazde, and is a direct challenge and affront to the Security Council. We firmly believe that General Rose's mission to Gorazde should

proceed, would contribute to the restoration of peace, and allows the Security Council and other relevant factors to respond to the situation in a more informed and prompt manner.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Mohamed SACIRBEY
Ambassador and Permanent Representative

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NATIONS

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S/1994/405
7 April 1994

ORIGINAL: ENGLISH

LETTER DATED 6 APRIL 1994 FROM THE PERMANENT REPRESENTATIVES OF BOSNIA AND HERZEGOVINA, CROATIA AND TURKEY TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We have the honour to transmit herewith the text of a joint statement issued after the political consultations held in Ankara on 5-6 April 1994 among the Political Directors of the Foreign Ministries of Bosnia and Herzegovina, Croatia and Turkey.

We would be grateful if you could have this statement circulated as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative of the
Republic of Bosnia and Herzegovina

(Signed) Mario NOBILO
Ambassador
Permanent Representative of the
Republic of Croatia

(Signed) Inal BATU
Ambassador
Permanent Representative of Turkey

Annex

The delegations headed by the Political Directors of the Foreign Ministries of Bosnia and Herzegovina, Croatia and Turkey held political consultations in Ankara on 5-6 April 1994.

The three parties expressed the full support of their respective Governments for the Bosniac-Croat Federation Agreement which was signed in Washington and endorsed by the Parliament of Bosnia and Herzegovina. The parties have reiterated their conviction that the Agreement represents solid ground for achieving lasting solution for Bosnia and Herzegovina and peace and stability in the region.

The parties expressed their concern for the recent attacks against Gorazde, as well as the continuation of the policy of ethnic cleansing in Prijedor and Banja Luca. The parties condemned these renewed acts of aggression which openly defy the resolve of the international community and are aimed at undermining the momentum for peace gained with signing of the Washington Agreement. The three parties drew the attention of the international community to take immediate action to stop the continued Serbian aggression and redress the consequences of the policy of ethnic cleansing.

The parties further reiterated that the Agreement concluded between Bosniacs and Bosnian Croats is aimed at preserving the integrity of Bosnia and Herzegovina with a multi-cultural, multi-religious and multi-ethnic society and is open to the participation of Bosnian Serbs.

The parties have agreed to bolster economic cooperation between Turkey, Croatia and Bosnia and Herzegovina and to undertake joint steps for the reconstruction of Bosnia and Herzegovina and Croatia.

The delegation of Croatia and Bosnia and Herzegovina welcomed the United Nations decision on the participation of Turkish troops in UNPROFOR through which Turkey will provide a balanced and efficient contribution to the peace efforts in Bosnia and Herzegovina as well as in the field of humanitarian aid for helping the normalization of life. The parties have agreed to continue with their consultations on a periodical basis.

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NATIONS

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Security Council

Distr.
GENERAL

S/1994/406
7 April 1994

ORIGINAL: ENGLISH

LETTER DATED 7 APRIL 1994 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE UNITED REPUBLIC OF TANZANIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the text of a communiqué issued at the end of a regional summit meeting held at Dar es Salaam on 6 April 1994 on the situation prevailing in Burundi and Rwanda.

I should be grateful if you would have the communiqué (see annex) circulated as a document of the Security Council.

(Signed) Ulli K. MWAMBULUKUTU
Chargé d'affaires a.i.

Annex

Communiqué issued at the end of a regional summit meeting held at Dar es Salaam on 6 April 1994 on the situation prevailing in Burundi and Rwanda

1. At the invitation of His Excellency Ali Hassan Mwinyi, President of the United Republic of Tanzania, a regional summit meeting was held at Dar es Salaam on 6 April 1994.

2. Participating in the summit, in addition to the Head of State of the United Republic of Tanzania, were His Excellency Major General Habyarimana Juvenal, President of the Rwandese Republic, His Excellency Yoweri Kaguta Museveni, President of the Republic of Uganda, His Excellency Ntaryamira Cyprien, President of the Republic of Burundi, the Honourable Professor George Saitoti, Vice President of the Republic of Kenya and Dr. Salim Ahmed Salim, Secretary General of the Organization of African Unity (OAU).

3. The meeting was convened in order to find ways to help Burundi and Rwanda resolve the political and security problems in their countries.

4. On the subject of Burundi, the leaders noted with deep concern that, despite the dawn of a new era of peace, stability and cooperation established after successful democratic elections in June 1993 and the establishment of a broadly based Government and, recently, the Government of Consensus, Burundi has again been plunged into ethnically motivated political turmoil.

5. The leaders resolved:

(a) To support the Government of National Consensus now in place and to call on all political and security forces to cooperate fully;

(b) To reaffirm the role of OAU, including the emplacement of the military component of OAU to assist in the restoration of confidence and the smooth functioning of the state institutions, and to encourage OAU in that role and call on it to examine how that mission could be strengthened to carry out its task;

(c) To call for an urgent programme of reform of the army and other security services;

(d) To demand full support and cooperation from the political and security forces for unimpeded functioning of the institutions of Government and warn that any obstruction of the implementation would have far-reaching consequences.

6. The leaders decided to meet again at an appropriate time to review the situation.

7. On the subject of Rwanda, the leaders noted with concern that not all the transitional institutions that were supposed to be formed following the signing of the Arusha Peace Agreement on 4 August 1993, were yet fully in place. In

this connection, they urged all parties concerned to abide by the letter and spirit of the Arusha Peace Agreement and, especially, to establish without further delay all the remaining transitional institutions.

8. Finally, the leaders participating in the Dar es Salaam summit meeting expressed their gratitude to His Excellency Ali Hassan Mwinyi, President of the United Republic of Tanzania, for the warm and brotherly hospitality extended to them, as well as to their delegations, since their arrival in the United Republic of Tanzania.

Done at Dar es Salaam, 6 April 1994.

For the United Republic of Tanzania

(Signed) Ali Hassan Mwinyi
President of the United
Republic of Tanzania

For the Republic of Rwanda

(Signed) Habyarimana Juvenal
Major General
President of the Rwandese Republic

For the Republic of Uganda

(Signed) Yoweri Kaguta Museveni
President of the Republic of
Uganda

For the Republic of Burundi

(Signed) Ntaryamira Cyprien
President of the Republic of
Burundi

For the Republic of Kenya

(Signed) George Saitoti
Vice President of the Republic
of Kenya

In the presence of

(Signed) Salim Ahmed Salim
Secretary General of OAU

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Security Council

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7 April 1994

ORIGINAL: ENGLISH

LETTER DATED 7 APRIL 1994 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to enclose herewith the text of the letter from H.E. Dr. Ali Akbar Velayati, Minister for Foreign Affairs of the Islamic Republic of Iran, addressed to Your Excellency on the deteriorating situation in the "safe area" of Gorazde in the Republic of Bosnia and Herzegovina.

It would be highly appreciated if the present letter and its annex were circulated as a document of the Security Council.

(Signed) Kamal KHARRAZI
Ambassador
Permanent Representative

Enclosure

It has been more than a week that the city of Gorazde - declared by Security Council resolutions 824 and 836 as a safe area - has been under heavy Serbian artillery and shocking news on the killings and massacre of the people of this city reports of a situation close to a great catastrophe.

The aggression and killings committed by the Serbs in Gorazde following their aggression on Bihac and the other safe areas in Bosnia and Herzegovina is not only in contravention of all Security Council resolutions but in fact threatens to defeat the recent positive political developments in Bosnia and Herzegovina which has brought the tiding of a possible return of stability and tranquillity to the sensitive Balkan region.

The absence of any serious action to confront these aggressions and the continuation of the forceful practices of ethnic cleansing of a nation which is under siege and aggression by the occupying Serbs with the indifference of international fora, will not only lead to recurrence of previous painful catastrophes, but will also threaten the relative tranquillity in Bosnia and Herzegovina and the peace negotiations.

While condemning these Serbian attacks against the city of Gorazde and expressing its deep concern over such war-mongering and escalation of conflict, the Government of the Islamic Republic of Iran calls upon the United Nations to take all necessary measures to stop the killings of innocent civilians, prevent the recurrence of human catastrophes in the last two years in Bosnia and Herzegovina, end the besiege of Gorazde and to implement all Security Council resolutions concerning the safe areas in Bosnia and Herzegovina - thus shouldering its responsibilities, on the basis of the United Nations Charter, in reversing aggression, preventing the fall of Gorazde, halting the massacre of innocent people, and establishing peace and security.

(Signed) Ali Akbar VELAYATI
Minister for Foreign Affairs of the
Islamic Republic of Iran

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NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

After the consultations held on 8 April 1994, the President of the Security Council issued the following statement on behalf of the members in connection with the item relating to the Libyan Arab Jamahiriya:

"The members of the Security Council held informal consultations on 8 April 1994 pursuant to paragraph 13 of resolution 748 (1992), by which the Council decided to review every 120 days or sooner, should the situation so require, the measures imposed by paragraphs 3 to 7 against the Libyan Arab Jamahiriya.

"After hearing all the opinions expressed in the course of consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for modification of the measures of sanctions established in paragraphs 3 to 7 of resolution 748 (1992)."

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LETTER DATED 25 MARCH 1994 FROM THE PRESIDENT OF THE GOVERNING COUNCIL OF THE UNITED NATIONS COMPENSATION COMMISSION ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you, for the information of the Security Council, the following particulars concerning the twelfth session of the Governing Council of the United Nations Compensation Commission, which was held from 21 to 23 March 1994.

At the forty-first plenary meeting, held on 23 March 1994, the Governing Council asked me to bring to your attention and that of the Secretary-General its members' concern at the fact that the Security Council is to take decisions on the first compensation payments over the next few months, inasmuch as the funding available in the Compensation Fund is insufficient for such payments. I am enclosing herewith the letter that I sent you on this subject (S/1994/366).

In the light of requests from several Governments, the Governing Council resolved to confirm that the costs of the Allied Coalition Forces, including those of military operations against Iraq, are not eligible for compensation (S/AC.26/Dec.19 (1994)).

The Council, having heard the report of the chairman of working group A, also adopted two decisions relating to procedures for the payment of compensation, namely, "Priority of payment and payment mechanism" (S/AC.26/Dec.17 (1994)) and "Distribution of payments and transparency" (S/AC.26/Dec.18 (1994)).

The text of these three decisions is annexed hereto.

The Council, in the light of requests from several Governments which are facing difficulties with regard to the timely submission of their claims in categories E and F, granted an additional extension of the periods for submitting such claims, to 1 July 1994 for claims in category E and to 1 August 1994 for claims in category F. The Council also granted to some Governments, for technical reasons, an extension to 1 July 1994 for the submission of computerized claims in category C.

The Council also took note of the consolidated claims submitted after the expiry of the periods it had established by several Governments and agencies

responsible for claims from persons unable to apply to a Government. In accordance with article 12, paragraph 2, of the provisional rules for the claims procedure, the Council decided to accept such consolidated claims.

In the light of a request from the Government of Kuwait that members of the Commission should be appointed to consider the claim submitted by that Government for the costs of extinguishing the fires in its oil wells wilfully ignited by Iraq, the Council took note of the extraordinary risk to health and safety posed by those fires and requested the secretariat of the Commission to take the steps required, within existing resources, to begin the consideration and processing of that claim, including the preparation of recommendations for the establishment of a panel of Commission members to hear the said claim.

The Governments of India, Iraq and Kuwait, States not members of the Governing Council, had expressed a wish to make statements at the recent session, and the Council invited their representatives to address it at the fortieth plenary meeting.

The Council decided that the thirteenth session would be held from 24 to 27 May 1994.

(Signed) Fernando Valenzuela MARZO
President of the Governing Council
United Nations Compensation Commission

Annex I

Priority of payment and payment mechanism

Guiding principles

Decision taken by the Governing Council of the United Nations Compensation Commission at its 41st meeting, held at Geneva on 23 March 1994*

1. In striving to resolve the question of how to allocate the funding available to pay awards to claimants within each category of claims as well as how to allocate available funding among the various categories of claims, the Governing Council has been guided by the following basic principles:

(a) The Compensation Commission should ensure that similarly situated claimants within each category of claims are treated equally, to the extent feasible, regardless of the chronological order in which their claims are decided;

(b) Claimants with claims in the three categories of urgent claims (categories A, B and C) shall received priority of treatment, including at both the processing and the payment stages, in accordance with the prior decisions and statements of the Governing Council.

Payment mechanism

2. Payment of an initial amount of US$ 2,500 (or the principal amount of the award, if less) will be made to each successful claimant in categories A, B and C.

3. Such payments in respect of successful claimants in categories A, B and C will be made by the Compensation Commission to Governments as awards in each category are confirmed by the Governing Council.

4. Such payments will begin when sufficient funds have been accumulated in the Compensation Fund to make payment on all claims approved in the first instalments in categories A, B and C. Subsequent such payments will also be made when sufficient funds have been accumulated in the Compensation Fund to make payment on all approved claims, within each instalment.

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* Decisions of the Governing Council of the United Nations Compensation Commission are now being issued under the symbol S/AC.26/Dec. The present decision was previously issued under the symbol S/AC.26/Dec.17 (1994).

Allocation of funds

5. For an initial period, successful claimants in categories A, B and C will receive all funds available in the Compensation Fund for paying claims, until each has received payment of the initial amount referenced in paragraph 2 above.

6. After the payments in paragraph 2 have been made, the funds available to the Commission for the payment of claims will be allocated as follows:

The Executive Secretary will transfer funds to each appropriate Government in respect of approved claims in all categories. Such transfers will be made when there are funds in the Compensation Fund at least sufficient to make a minimum payment of US$ 5,000 (or the unpaid principal amount of the award, if less) in respect of each approved claim. Amounts transferred in addition to this minimum of US$ 5,000 payment will be proportional to the ratio between the unpaid balance of approved claims submitted by that Government and the unpaid balance of all approved claims.

7. The Compensation Commission will retain an adequate operating reserve consisting of an amount sufficient to cover at least one year's operating expenses.

Revision of the system

8. The Governing Council will monitor the payment system and make revisions wherever and whenever needed in order that the mechanism may evolve and adjust to ongoing circumstances, including the amounts available in the Fund for the payment of claims.

9. If there are insufficient funds to make payments in accordance with the mechanism outlined above, the Governing Council, keeping in mind the principles stated in paragraph 1 above, may decide on how to distribute any limited funds available. In particular, this should not exclude the possibility of distributing the amounts stated in paragraphs 2 and 6 above by successive payments.

Transparency

10. Distribution of compensation will be the responsibility of each Government concerned.

Annex II

Distribution of payments and transparency

Decision taken by the Governing Council of the United Nations Compensation Commission at its 41st meeting, held at Geneva on 23 March 1994*

1. Governments, exercising their responsibility for the distribution of payments of compensation for direct losses to successful claimants whose claims they have submitted, shall establish their own mechanisms to distribute payments in a fair, efficient and timely manner, subject to the following provisions:

(a) Governments may offset their costs of processing claims by deducting a small fee from payments made to claimants. The Governments shall be required to provide explanations satisfactory to the Governing Council for any processing costs so deducted. Such fees shall be commensurate with the actual expenditure of Governments. In the case of awards payable to claimants in categories A, B and C, the fees should not exceed 1.5 per cent, and for awards payable to claimants in categories D, E and F, the fees should not exceed 3 per cent. Any commission or charge on compensation received from the Compensation Commission imposed by Governments pursuant to national laws is to be considered a processing cost and may be deducted by the Government concerned. Without prejudice to future decisions concerning eligibility for compensation under category F, if a Government that has deducted a processing fee receives compensation for such costs under category F, it shall reimburse to claimants those fees deducted;

(b) Prior to or immediately following the receipt of the first payment from the Compensation Commission each Government shall provide information in writing through the Executive Secretary to the Governing Council on the arrangements that it has made for the distribution of funds to claimants, and subsequently promptly report any changes to those arrangements;

(c) If amounts of awards are specified by the Compensation Commission in respect of each individual claim, Governments should distribute funds to claimants within six months of receiving payment from the Compensation Commission, subject to the provisions of subparagraph (e) below;

(d) Not later than three months after the expiration of the time-limit for the distribution of each payment received from the Compensation Commission, Governments shall provide information on the amounts of payments distributed. Such reports shall refer to the category of claims and the instalment payment received from the Compensation Commission and shall also include information on the reasons for non-payment to claimants because claimants could not be located or for other reasons, as well as the explanations required on fees deducted under subparagraph (a) above;

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* Previously issued under the symbol S/AC.26/Dec.18 (1994).

(e) If a Government fails to distribute funds within six months of their receipt, or indicates that it needs additional time to distribute the funds, or if reports satisfying the requirements of subparagraph (d) above are not submitted to the Executive Secretary within the prescribed time; and where the Governing Council does not consider that exceptional circumstances exist, or is not satisfied with the reasons given for non-payment or with the adequacy of the reports submitted, the Governing Council may decide to ask for an explanation or further information from the Government concerned. In the absence of a response satisfactory to the Council, it may decide not to distribute further funds to that particular Government;

(f) After completing distribution of all payments received from the Compensation Commission, each Government should produce a final summary account of payments made, including who was paid, the exact amount received by each claimant and the date of each payment, as well as a report on amounts not distributed. Funds received by Governments from the Compensation Commission that Governments have not disbursed to claimants owing to inability to locate such claimants shall be reimbursed to the Compensation Fund, unless otherwise decided by the Governing Council;

(g) Governments shall make payments to claimants either in United States dollars or in other currencies. If Governments convert United States dollar payments received from the United Nations Compensation Commission into other currencies for distribution of awards to claimants, they shall notify the Governing Council on the method of conversion and exchange rate to be used, bearing in mind the interests of claimants in receiving full equivalent of their awards.

2. These provisions should also apply to the distribution of payments by any person, authority or body which has been designated by the United Nations Compensation Commission to collect and submit claims on behalf of persons who are not in a position to have their claims submitted by a Government.

3. The Governing Council will continue to monitor the distribution of payments to claimants and will make revisions and adjustments of the provisions established above, whenever deemed necessary.

Annex III

Military costs

Decision taken by the Governing Council of the United Nations Compensation Commission at its 41st meeting, held at Geneva on 24 March 1994*

The Governing Council confirms that the costs of the Allied Coalition Forces including those of military operations against Iraq, are not eligible for compensation.

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* Previously issued under the symbol S/AC.26/Dec. 19 (1994).